

FILED

2014 FEB 11 PM 3:43

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

COPY

1 ANDRÉ BIROTTE JR.  
United States Attorney  
2 LEON W. WEIDMAN  
Assistant United States Attorney  
3 Chief, Civil Division  
KEITH M. STAUB (Cal. Bar No. 137909)  
4 Assistant United States Attorney  
Federal Building, Suite 7516  
5 300 North Los Angeles Street  
Los Angeles, California 90012  
6 Telephone: (213) 894-7423  
Facsimile: (213) 894-7819  
7 E-mail: keith.staub@usdoj.gov

8 Attorneys for Federal Defendants

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 KASANDRA W. HERBERT and  
13 MORENA B. HERBERT, a minor, by  
and through her Guardian Ad Litem,  
14 KASANDRA W. HERBERT

15 Plaintiffs,

16 v.

17 ROBERT R. WELL M.D.; and DOES 1  
through 10, Inclusive

18 Defendant[s].  
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ED CV 14-00266-VAP(SP+)  
NOTICE OF REMOVAL OF CIVIL  
ACTION

[28 U.S.C. § 1442a]

1 TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
2 DISTRICT OF CALIFORNIA:

3 Pursuant to the provisions of 28 U.S.C. § 1442a, ROBERT R. WELLS  
4 ("defendant"), for himself alone in his official capacity, hereby removes the above-  
5 entitled action from the Superior Court of the State of California, County of San  
6 Bernardino, to this Honorable Court. The grounds for this removal are as follows:

7 1. On or about October 31, 2013, Plaintiffs filed a Complaint for Damages  
8 for Negligence in the Superior Court for the State of California, County of San  
9 Bernardino, Case No. CIVDS1313283. The Complaint seeks damages for the medical  
10 negligence of defendant, a doctor employed as contractor with the United States Army at  
11 Weed Army Community Hospital in Fort Irwin, San Bernardino County, California. A  
12 copy of the Complaint and other pleadings filed in the Superior Court are attached hereto  
13 as Exhibit 1.

14 2. This action is one which the defendant is entitled to remove to this Court  
15 pursuant to 28 U.S.C. § 1442a for the reason that defendant is a member of the armed  
16 forces of the United States.

17 3. This action is one which must be removed to this Court pursuant to 28  
18 U.S.C. § 1442a for the reason that this Court has original jurisdiction over a civil claim  
19 made against a member of the armed forces of the United States on account of an act  
20 done under color of his office or status, or in respect to which he claims any right, title,  
21 or authority under a law of the United States respecting the armed forces thereof. 28  
22 U.S.C. § 1442a.

23 4. Removal is timely under 28 U.S.C. § 1442a in that the Notice of  
24 Removal is being filed before the trial or final hearing of this matter.

25 ///

26 ///

27 ///

28 ///

WHEREFORE, Defendant removes the action now pending in the Superior Court of the State of California, County of San Bernardino, to the United States District Court for the Central District of California.

Dated: February 10, 2014

Respectfully submitted,

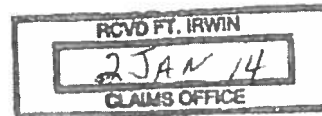
ANDRE BIROTTE JR.  
United States Attorney  
LEON W. WEIDMAN  
Assistant United States Attorney  
Chief, Civil Division

/s/ Keith Staub

KEITH M. STAUB  
Assistant United States Attorney

Attorneys for Defendant

received  
2 JAN 2014



**SUMMONS**  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

ROBERT R. WELL, M.D.; and DOES 1 through 10, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

KASANDRA W. HERBERT and MORENA B. HERBERT, a minor, by  
and through her Guardian Ad Litem KASANDRA W. HERBERT

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

COURT OF JUDICIAL BRANCH  
SAN BERNARDINO COUNTY

OCT 31 2013

BY Gloria M. Greco  
GLORIA M. GRECO, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTICE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. (AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información o continuación.)

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegerán. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida el formulario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Bernardino County Superior Court  
303 W. Third Street  
San Bernardino, CA 92415

CASE NUMBER  
(Número del Caso):

CIV-27393283

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Douglas C. Smith, Esq., Smith Law Offices, 4204 Riverwalk Pkwy #250, Riverside, CA 92505 951-509-1355

DATE:  
(Fecha) OCT 31 2013

Clerk, by  
(Secretario)

Gloria M. Greco

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

DEAL

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 415.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☒ by personal delivery on (date):

12/30/13

Form Adopted for Mandatory Use  
Judicial Council of California  
JL-100 (Rev. July 1, 2009)

SUMMONS

Page 1 of 1

Code of Civil Procedure §§ 412.70, 465  
[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

COUNTY OF  
SAN BERNARDINO

JUL 31 2013

BY: Kassandra W. Herbert  
CLERK OF SUPERIOR COURT, DEPUTY

Douglas C. Smith, Esq. (SBN 160013)  
SMITH LAW OFFICES, APC  
4204 Riverwalk Parkway, Suite 250  
Riverside, California 92505  
Telephone: (951) 509-1355  
Facsimile: (951) 509-1356

TRIAL SETTING CONFERENCE

Attorney for Plaintiffs  
KASANDRA W. HERBERT and  
MORENA B. HERBERT

Hearing Set for:

Date:

Time:

Dept:

8/2/14  
8:30am  
937

STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

KASANDRA W. HERBERT and MORENA B. HERBERT, a minor, by and through her Guardian Ad Litem KASANDRA W. HERBERT,

CASE NO.

117051313283

Plaintiff(s),

BY FAX

COMPLAINT FOR DAMAGES FOR NEGLIGENCE

vs.

ROBERT R. WELL, M.D.; and DOES 1 through 10, Inclusive

Defendant(s).

Plaintiffs KASANDRA W. HERBERT and MORENA B. HERBERT, a minor, by and through her Guardian Ad Litem, KASANDRA W. HERBERT, by and through undersigned counsel, states the following as their Complaint against Defendants ROBERT R. WELL, M.D. and DOES 1 through 10.

1. Plaintiff KASANDRA W. HERBERT ("Mrs. Herbert") is an adult individual residing at Fort Lee, Virginia. At all times herein mentioned, Mrs. Herbert was a resident of Fort Irwin, County of San Bernardino, California and the acts and/or omissions complained of herein occurred at Fort Irwin, California.

2. Plaintiff MORENA B. HERBERT ("Morena") is the minor daughter of Plaintiff KASANDRA W. HERBERT and her husband, born at Weed Army Community Hospital at Fort

COMPLAINT FOR DAMAGES

1 Irwin, San Bernardino County, California on March 17, 2013.

2 3. Defendant ROBERT R. WELL, M.D. ("Dr. Well") is an adult individual whose  
3 residence address is unknown. At all times herein mentioned, Dr. Well provided medical services  
4 at Weed Army Community Hospital in Fort Irwin, San Bernardino County, California.

5 4. The true names and capacities of the Defendants, DOES 1 through 10, whether  
6 individual, corporate, associate or otherwise, are unknown to Plaintiffs at the time of filing this  
7 Complaint and Plaintiffs therefore sue said Defendants by such fictitious names and will ask leave  
8 of Court to amend this Complaint to show their true names or capacities when the same have been  
9 ascertained. Plaintiffs are informed and believe, and thereon allege, that each of the DOE  
10 Defendants are, in some manner, responsible for the events and happenings herein set forth and  
11 proximately caused injury and damages to the Plaintiffs as herein alleged.

12 5. The acts and omissions complained of herein occurred at Fort Irwin, San  
13 Bernardino County, California and therefore venue is proper in the Superior Court for the County  
14 of San Bernardino.

15 6. Plaintiffs' damages sustained for the claims herein greatly exceed \$25,000.000 and  
16 therefore jurisdiction is proper in this Court.

17 7. At all times material hereto, Defendant Dr. Well is a physician and undertook to  
18 provide medical and health care services to service members and their families, like Mrs. Herbert.

19 8. Plaintiffs complied with CCP §364.

20 **FACTUAL BACKGROUND**

21 9. Plaintiffs incorporate by reference paragraphs 1 through 8 as though fully set forth  
22 herein.

23 10. On January 9, 2012, Mrs. Herbert underwent an elective bilateral tubal ligation,  
24 performed at Weed Army Community Hospital by Dr. Well. In August, 2012, Mrs. Herbert  
25 became aware she was pregnant. On March 17, 2013, Mrs. Herbert's daughter, Morena B.  
26 Herbert, was delivered by caesarean section. Morena was subsequently found to have serious  
27 medical conditions at and following birth, including sickle cell anemia, resulting in lifelong pain,  
28 disability, the need for medications and increased personal and medical care now, and for the

COMPLAINT FOR DAMAGES

1 foreseeable future.

2 **FIRST CAUSE OF ACTION**

3 **NEGLIGENCE**

4 11. Plaintiffs incorporate by reference the allegations and averments set forth in  
5 paragraphs 1 - 10, as though set forth at length here.

6 12. Defendant Dr. Well negligently performed the bilateral tubal ligation and  
7 negligently used and operated the equipment for this procedure. As a result of this negligence,  
8 and unbeknownst to Mrs. Herbert, she was not permanently sterilized. She subsequently and to  
9 her surprise became pregnant giving birth to a child, plaintiff Morena Herbert, with serious  
10 medical conditions.

11 13. At all times material hereto, DOES 1 through 5 are the doctors, physicians,  
12 residents, interns, externs, nurses, technicians, nursing assistants, physician assistants, social  
13 workers, mental health care workers, and other personnel rendering medical care and treatment to  
14 Mrs. Herbert who engaged in negligent acts with respect to their care and treatment of Mrs.  
15 Herbert and her daughter. At all times material hereto, DOES 6 through 10 were the operators,  
16 suppliers, manufacturers and distributors of the defective and/or negligently operated equipment  
17 used in the subject operation.

18 14. As a direct and proximate result of the conduct of the Defendants, and each of  
19 them, Mrs. Herbert had to endure an unplanned pregnancy, a caesarean delivery, and a second  
20 bilateral tubal ligation causing embarrassment, humiliation, depression, pain, suffering, scarring,  
21 and unnecessary surgery; and she is required to care for an unplanned fifth (5th) child added to  
22 their family, which child suffers from the lifelong, chronic, painful and debilitating sickle cell  
23 anemia, among other health challenges, to her great loss and damage in an amount to be shown  
24 according to proof. Morena's health challenges will require lifelong medications, personal and  
25 medical care, and will continue to cause pain and disability throughout her life.

26 15. As a direct and proximate result of the conduct of the Defendants, and each of  
27 them, as aforesaid, Plaintiffs have been compelled to incur special damages, all to the damage of  
28 the Plaintiffs, in an amount to be shown according to proof.

COMPLAINT FOR DAMAGES

1 WHEREFORE, PLAINTIFFS demands judgment against DEFENDANT, and DOES 1  
2 through 10, and each of them, for the following:

- 3 1. General damages according to proof;
- 4 2. Special damages according to proof;
- 5 3. Interest according to law;
- 6 4. Costs of this action; and
- 7 5. Any other and further relief that the Court considers proper.

8 PLAINTIFFS DEMAND A JURY TRIAL

9 DATED: October 31, 2013

SMITH LAW OFFICES, APC

10  
11 By Douglas C. Smith  
12 Douglas C. Smith  
13 Attorneys for Plaintiffs  
14 KASANDRA W. HERBERT and  
15 MORENA B. HERBERT  
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COMPLAINT FOR DAMAGES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

SAN BERNARDINO CIVIL DIVISION  
303 WEST THIRD STREET  
SAN BERNARDINO, CA 92415-0310

CASE NO: CIVDS1313283

SMITH LAW OFFICES, APC  
4204 RIVERWALK PARKWAY  
SUITE 250  
RIVERSIDE CA 92505

NOTICE OF TRIAL SETTING  
CONFERENCE

IN RE: HERBERT-V-WELL

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference at the court located at 303 West Third Street San Bernardino, CA.

HEARING DATE: 05/02/14 at 8:30 in Dept. S37

DATE: 10/31/13

Stephen H. Nash, Clerk of the Court

By: GLORIA GRECO

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above listed notice:

( ) Enclosed in a sealed envelope mailed to the interested party addressed above, for collection and mailing this date, following standard Court practices.

( ) Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above, or as shown on the attached listing.

(X) A copy of this notice was given to the filing party at the counter

(X) A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file stamped documents.

Date of Mailing: 10/31/13

I declare under penalty of perjury that the foregoing is true and correct. Executed on 10/31/13 at San Bernardino, CA

BY: GLORIA GRECO

civ-ntsc-20130417

*Call  
55*

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>Plaintiff's</i> Douglas C. Smith (SEN 100033) Smith Law Offices, APC 4204 Riverwalk Parkway, Suite 230 Riverside, CA 92505 TELEPHONE NO.: 951-509-1355 FAX NO.: 951-509-1356 ATTORNEY FOR (Name): <i>Plaintiff's</i> <b>Kassandra W. Herbert et al</b>		CM-D10 FOR COURT USE ONLY SUPERIOR COURT COUNTY OF SAN BERNARDINO SAN BERNARDINO COUNTY DIVISION OCT 31 2013 BY <i>CLORIA M. GREGG</i> CLORIA M. GREGG DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>SAN BERNARDINO</b> STREET ADDRESS: 303 W. Third Street MAILING ADDRESS: CITY AND ZIP CODE: <b>San Bernardino, CA 92415</b> BRANCH NAME: <b>Civil Division</b>		
CASE NAME: <b>Kassandra W. Herbert v. Robert R. Well, MD, et al</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: <b>CIV551313283</b> JUDGE: DEPT: <b>BY FAX</b>

Items 1-8 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other P/DP/WO (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input checked="" type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/WO (23) <b>Non-P/DP/WO (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/WO tort (36) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (36) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition for arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxics tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 31, 2013

Douglas C. Smith, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

<b>NOTICE</b> • Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rules. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.	
---	--

Form Adopted for Mandatory Use  
 Judicial Council of California  
 CJD1010 Rev. July 1, 2007

CIVIL CASE COVER SHEET

Page 1 of 2  
 Cal. Rules of Court, rules 3.30, 3.320, 3.400-3.403, 3.740;  
 Cal. Standards of Judicial Administration, rule 3.10  
 www.courtinfo.ca.gov

## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Kassandra W. Herbert and Korena B. Herby

Case No. CIVDS1313283

vs.

BY FAX

## CERTIFICATE OF ASSIGNMENT

Robert W. Well, MD, et al

A civil action or proceeding presented for filing must be accompanied by this certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the Civil District of the Superior Court under Rule 404 of this court for the checked reason:

- | <input checked="" type="checkbox"/> General  | <input type="checkbox"/> Collection  |
|--|--|
| Nature of Action   | Ground   |
| <input type="checkbox"/> 1 Adoption  | Petitioner resides within the district.  |
| <input type="checkbox"/> 2 Conservator   | Petitioner or conservatee resides within the district.                               |
| <input type="checkbox"/> 3 Contract  | Performance in the district is expressly provided for.                               |
| <input type="checkbox"/> 4 Equity  | The cause of action arose within the district.                                       |
| <input type="checkbox"/> 5 Eminent Domain  | The property is located within the district.   |
| <input type="checkbox"/> 6 Family Law  | Plaintiff, defendant, petitioner or respondent resides within the district.          |
| <input type="checkbox"/> 7 Guardianship  | Petitioner or ward resides within the district or has property within the district.  |
| <input type="checkbox"/> 8 Harassment  | Plaintiff, defendant, petitioner or respondent resides within the district.          |
| <input type="checkbox"/> 9 Mandate   | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 10 Name Change  | The petitioner resides within the district.  |
| <input type="checkbox"/> 11 Personal Injury  | The injury occurred within the district.   |
| <input type="checkbox"/> 12 Personal Property  | The property is located within the district.   |
| <input type="checkbox"/> 13 Probate  | Decedent resided or resides within the district or had property within the district. |
| <input type="checkbox"/> 14 Prohibition  | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 15 Review   | The defendant functions wholly within the district.                                  |
| <input type="checkbox"/> 16 Title to Real Property   | The property is located within the district.   |
| <input type="checkbox"/> 17 Transferred Action   | The lower court is located within the district.                                      |
| <input type="checkbox"/> 18 Unlawful Detainer  | The property is located within the district.   |
| <input type="checkbox"/> 19 Domestic Violence  | The petitioner, defendant, plaintiff or respondent resides within the district.      |
| <input checked="" type="checkbox"/> 20 Other Med. Malpractice                                      | The malpractice occurred in San Bernardino County.                                   |
| <input type="checkbox"/> 21 THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT. |  |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designated district is:

Robert W. Well, M.D., Hedd Army Community Hospital, Inner Loop Road Bldg 166 Ob/Gyn Clinic

(NAME - WRITE TITLE OR OTHER QUALIFYING FACTOR)

ADDRESS

Fort Irwin, CA 92310

(CITY)

(STATE)

(ZIP CODE)

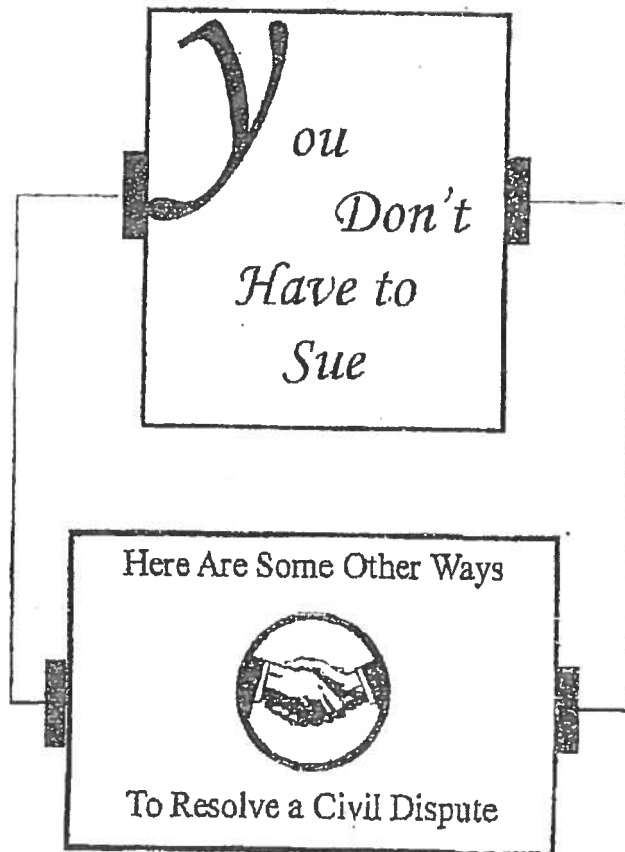
I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on

October 31, 2013

at Riverside

California

*Douglas C. Smith*  
 Signature of Court Officer



Presented by the  
Judicial Council of California  
And the  
State Bar of California

## **Introduction**

Did you know that most civil lawsuits settle without a trial?

And did you know that there are a number of ways to resolve civil disputes without having to sue somebody?

These alternatives to a lawsuit are known as alternative dispute resolution (ADR). The most common forms of ADR are mediation, arbitration, and case evaluation. There are a number of other kinds of ADR as well.

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediation, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help parties resolve disputes without having to go to court.

ADR is not new. ADR is available in many communities, through dispute resolution programs and private neutrals.

## **Advantages of ADR**

ADR can have a number of advantages over a lawsuit.

- **ADR can be speedier.** A dispute often can be resolved in a matter of months, even weeks, through ADR, while a lawsuit can take years.
- **ADR can save money.** Court costs, attorneys' fees, and expert fees can be saved.
- **ADR can permit more participation.** The parties may have more chances to tell their side of the story than in court and may have more control over the outcome.
- **ADR can be flexible.** The parties can choose the ADR process that is best for them. For example, in mediation the parties may decide how to resolve their dispute.
- **ADR can be cooperative.** This means that the parties having a dispute may work together with the neutral to resolve the dispute and agree to a remedy that makes sense to them, rather than work against each other.
- **ADR can reduce stress.** There are fewer, if any, court appearances. And because ADR can be speedier, and save money, and because the parties are normally cooperative, ADR is easier on the nerves. The parties don't have a lawsuit hanging over their heads for years.

- **ADR can be more satisfying.** For all the above reasons, many people have reported a high degree of satisfaction with ADR.

Because of these advantages, many parties choose ADR to resolve a dispute, instead of filing a lawsuit. Even when a lawsuit has been filed, the court can refer the dispute to a neutral before the parties' positions harden and the lawsuit becomes costly. ADR has been used to resolve disputes even after a trial, when the result is appealed.

### **Disadvantages of ADR**

ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- There generally is less opportunity to find out about the other side's case with ADR than with litigation. ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If a dispute is not resolved through ADR, the parties may have to put time and money into both ADR and a lawsuit.
- Lawsuits must be brought within specified periods of time, known as statutes of limitation. Parties must be careful not to let a statute of limitations run out while a dispute is in an ADR process.

### **Three Common Types of ADR**

This pamphlet describes the forms of ADR most often found in the California state courts and discusses when each may be right for a dispute.

- **MEDIATION**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the mediator does not decide how the dispute is to be resolved. The parties do.

Mediation is a cooperative process, in which the parties work together toward a resolution that tries to meet everyone's interests, instead of working against each other, where at least one party loses. Mediation normally leads to better relations between the parties and to resolutions that hold up. For example, mediation has been very successful in family disputes, particularly with child custody and visitation.

Mediation is particularly effective when the parties have a continuing relationship, like neighbors or business people. Mediation also is very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to let out their feelings and find out how each other sees things.

Mediation may not be a good idea when one party is unwilling to discuss a resolution or when one party has been a victim of the other or cannot have enough bargaining power in the mediation. However, mediation can be successful for victims seeking restitution from offenders. A mediator can meet with the parties separately when there has been violence between them.

#### • ARBITRATION

In arbitration, a neutral (the arbitrator) reviews evidence, hears arguments, and makes a decision (award) to resolve the dispute. This is very different from mediation, where the mediator helps the parties reach their own resolution. Arbitration normally is more informal and much speedier and less expensive than a lawsuit. Because of the large number of cases awaiting trial in many courts, a dispute normally can be heard much more quickly by an arbitrator than by a judge. Often a case that may take a week to try in court can be heard by an arbitrator in a matter of hours, because evidence can be submitted by documents (like medical reports and bills and business records), rather than testimony.

There are two kinds of arbitration in California. Private arbitration, by agreement of the parties involved in the dispute, takes place outside of the courts and normally, is binding. In most cases "binding" means that the arbitrator's decision (award) is final and there will not be a trial or an appeal of that decision. By contrast, a decision by an arbitrator in a case referred by the courts, known as "judicial arbitration," is not binding, unless parties agree to be bound. A party who does not like the award may file a request for trial with the court within a specified time. However, if that party does not do better in the trial than in arbitration, he or she may have to pay a penalty.

Arbitration is best for cases where the parties want a decision without the expense of a trial. Arbitration may be better than mediation when the parties have no relationship except for the dispute.

Arbitration may not be a good idea when the parties want to resolve their dispute by themselves, or with the aid of a neutral.

#### • CASE EVALUATION

In case evaluation, a neutral (the evaluator) gives an opinion on the strengths and weaknesses of each party's evidence and arguments, and makes an evaluation of the case. Each party gets a chance to present the case and hear the other side. This may lead to a settlement, or at least help the parties prepare to resolve the dispute later on.

Case evaluation, like mediation, can come early in the dispute and save time and money.

Case evaluation is most effective when someone has an unrealistic view of the dispute or when the only real issue is what the case is worth, or when there are technical or scientific questions to be worked out.

Case evaluation may not be a good idea when it is too soon to tell what the case is worth or when the dispute is about something besides money, like a neighbor playing loud music late at night.

### **Additional Information**

There are several other types of ADR beside mediation, arbitration, and case evaluation. Some of these are conciliation, settlement conferences, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR types. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute.

The selection of a neutral is an important decision. There is no legal requirement that the neutral be licensed or hold any particular certificate. However, some programs have established qualification requirements for neutrals. You may wish to inquire about the qualifications of any neutral you are considering.

Agreements reached through ADR normally are put in writing by the neutral and, if the parties wish, may become binding contracts that can be enforced by a judge.

You may wish to seek the advice of an attorney as to your legal rights and other matters relating to the dispute.

### **Whom Do You Call?**

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs, Consumer Information Center, toll free, 1-800-952-6210, or
- Contact the local bar association, or
- Look in the Yellow Pages under "Arbitrators" or "Mediators."

There may be a charge for services provided by private arbitrators and mediators.

**Superior Court of California  
County of San Bernardino**



**CONTRACTED MEDIATION SERVICE PROVIDERS**

The following mediation service providers are under contract with the County of San Bernardino to provide the listed alternate dispute resolution (ADR) services under referral by the Court at no or low cost. The contractors may also provide additional mediation services outside of their contracts with the County.

*Landlord-tenant, Unlawful Detainer, Small Claims:*

**Inland Fair Housing and Mediation Board**  
Program Director: Lynne Anderson, Executive Director  
City Center Building  
10681 Foothill Boulevard, Suite 101  
Rancho Cucamonga, CA 91730  
TEL (909) 984-2254, or (800) 321-0911  
FAX (909) 480-0274  
WEB [www.inmedbd.com](http://www.inmedbd.com)

*Civil & Family Law (except custody and support):*

**Inland Fair Housing and Mediation Board**  
Program Director: Lynne Anderson, Executive Director  
City Center Building  
10681 Foothill Boulevard, Suite 101  
Rancho Cucamonga, CA 91730  
TEL (909) 984-2254, or (800) 321-0911  
FAX (909) 480-0274  
WEB [www.inmedbd.com](http://www.inmedbd.com)

### Accommodations For Persons With Disabilities Using Court Facilities

The Americans with Disabilities Act (ADA) and State law require all state and local governmental entities, including the courts to provide reasonable accommodations for the needs of persons with disabilities. The ADA benefits people who have an interest in court activities, programs and services. In 1996 the Judicial Council of California, the policy-making body for the courts, adopted California Rules of Court, rule 1.00 (former rule 989.3) to implement the ADA in the state court system.

Under the ADA, State laws, and the court rule, a person is entitled to an accommodation if he or she is an "eligible person with a disability." This means the person has a physical or mental impairment that limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

It is the individual's responsibility to contact the court to request accommodations that would best suit his or her situation. The individual may request an accommodation by completing the Request for Accommodations by Persons with Disabilities (Judicial Council Form MC-410) or by other means, and provide the request to court staff. If the individual is involved in more than one case, they must submit a separate request (MC-410 form) for each case. The individual should give the court at least five working days notice whenever possible. The court may grant, modify or deny the request. The information presented will be kept confidential unless ordered released by a Judicial officer, or a written waiver of confidentiality is received from the requestor.

The court will evaluate all requests to make reasonable modifications to its policies, practices, and procedures when these modifications are necessary to avoid discriminating against a person because of a disability.

Service animals are permitted in court facilities. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Service animals may go to all areas of the court where customers are normally allowed.

For free tools that allow persons with visual disabilities to read documents in Adobe Acrobat PDF format, please visit <http://www.adobe.com/enterprise/accessibility/main.html>. These tools convert PDF documents into either HTML or ASCII text that can be read by many screen-reading programs.

For further information and forms:

**Jurors:** Please contact the Jury Services Office at (909) 884-1858.

**Others:** Please contact the court's ADA Coordinator at [sprentiss@sb-courts.org](mailto:sprentiss@sb-courts.org)

**Court employees:** To request accommodation for yourself, please contact your supervisor or the Court's Personnel Department. For information on assisting court customers with Ada issues, refer to the courts intranet site [www.sb-court.org](http://www.sb-court.org)

If you should have any questions or concerns regarding Americans with Disabilities, please contact Sharon Prentiss, Director of Court Administrative Services at (909) 708-8745.

Request for Accommodation Instruction Sheet (Non Filable Form and Rule of Court 1)  
<http://www.sb-court.org/Portals/0/Documents/PDF/ADA/ADA-Persons-With-Disabilities-MC410QA.pdf>

Request for Accommodation Form Filable Version (MC-410)  
<http://www.courts.ca.gov/documents/mc410.pdf>

Q&A on Rule of Court 1.100  
<http://www.sb-court.org/Portals/0/Documents/PDF/ADA/Requestsforaccommodationbypersonswithdisabilities.pdf>  
Access and Fairness Advisory Flyer  
<http://www.sb-court.org/Portals/0/Documents/PDF/ADA/ProvidingDisabilityAccommodations.pdf>

**PROOF OF SERVICE BY MAILING**

I am over the age of 18 and not a party to the within action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On February 11, 2014, I served **NOTICE OF REMOVAL OF CIVIL ACTION** on each person or entity named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of mailing: February 11, 2014. Place of mailing: Los Angeles, California.

Person(s) and/or Entity(ies) to Whom mailed:

Douglas C. Smith, Esq.  
Smith Law Offices, APC  
4204 Riverwalk Parkway, Suite 250  
Riverside, CA 92505

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on: February 11, 2014 at Los Angeles, California.

  
\_\_\_\_\_  
Rossana Alvarez Alcocer

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Virginia A. Phillips and the assigned Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

5:14-cv-00266-VAP(SPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

February 11, 2014

Date

By APEDRO  
Deputy Clerk

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NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**

☐ Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012

☐ Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701

☒ Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

KASANDRA W. HERBERT and MORENA B. HERBERT, a minor, by and through her Guardian Ad Litem, KASANDRA W. HERBERT

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

ROBERT R. WELL, M.D.; and DOES 1 through 10, inclusive

(b) County of Residence of First Listed Plaintiff San Bernardino

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Bernardino

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Douglas C. Smith, Esq. Tel: (951) 509-1355  
Smith Law Offices, APC  
4204 Riverwalk Parkway, Suite 250  
Riverside, CA 92505

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☐ 3. Federal Question (U.S. Government Not a Party)
- ☒ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**-For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |   | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN** (Place an X in one box only.)

- ☐ 1. Original Proceeding ☒ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No ☐ **MONEY DEMANDED IN COMPLAINT: \$**

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. § 1442a; Defendant is a member of the armed forces of the United States.

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument		<b>TORTS</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 155 Medicare Act	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 156 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 157 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 196 Franchise	<input checked="" type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<b>REAL PROPERTY</b>	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV 14-00266

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>STATE CASE WAS PENDING IN THE COUNTY OF:</b>  <input type="checkbox"/> Los Angeles  <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo  <input type="checkbox"/> Orange  <input checked="" type="checkbox"/> Riverside or San Bernardino	<b>INITIAL DIVISION IN CACD IS:</b>  Western  Western  Southern  Eastern
---	--	--

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<b>If the United States, or one of its agencies or employees, is a party, is it:</b>  <table style="width: 100%;"> <tr> <th style="width: 50%;">A PLAINTIFF?</th> <th style="width: 50%;">A DEFENDANT?</th> </tr> <tr> <td style="font-size: small;">Then check the box below for the county in which the majority of DEFENDANTS reside.</td> <td style="font-size: small;">Then check the box below for the county in which the majority of PLAINTIFFS reside.</td> </tr> <tr> <td><input type="checkbox"/> Los Angeles</td> <td><input type="checkbox"/> Los Angeles</td> </tr> <tr> <td><input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo</td> <td><input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo</td> </tr> <tr> <td><input type="checkbox"/> Orange</td> <td><input type="checkbox"/> Orange</td> </tr> <tr> <td><input type="checkbox"/> Riverside or San Bernardino</td> <td><input checked="" type="checkbox"/> Riverside or San Bernardino</td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> Other</td> </tr> </table>		A PLAINTIFF?	A DEFENDANT?	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	<input type="checkbox"/> Riverside or San Bernardino	<input checked="" type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<b>INITIAL DIVISION IN CACD IS:</b>  Western  Western  Southern  Eastern  Western
A PLAINTIFF?	A DEFENDANT?																
Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.																
<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles																
<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo																
<input type="checkbox"/> Orange	<input type="checkbox"/> Orange																
<input type="checkbox"/> Riverside or San Bernardino	<input checked="" type="checkbox"/> Riverside or San Bernardino																
<input type="checkbox"/> Other	<input type="checkbox"/> Other																

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C.1. Is either of the following true? If so, check the one that applies:**

- ☐ 2 or more answers in Column C
- ☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the  
SOUTHERN DIVISION.  
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

**C.2. Is either of the following true? If so, check the one that applies:**

- ☒ 2 or more answers in Column D
- ☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the  
EASTERN DIVISION.  
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the  
WESTERN DIVISION.  
Enter "Western" in response to Question D below.

<b>Question D: Initial Division?</b>	<b>INITIAL DIVISION IN CACD</b>
Enter the initial division determined by Question A, B, or C above: →	Eastern Division

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**IX(a). IDENTICAL CASES:** Has this action been previously filed in **this court** and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in **this court** that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

DATE: February 11, 2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))